



Hamilton, Brook, Smith & Reynolds, P.C. | T 978.341.0036
530 Virginia Road P.O. Box 9133 | F 978.341.0136
Concord, MA 01742-9133 | www.hbsr.com

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Examiner: Office of Initial Patent Examination
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FEB 08 2007

Date: February 8, 2007

Client Code: 3912

Facsimile No.: 571-273-8300

From: Alexander Akhiezer, Ph.D.

Subject: Request for Corrected Filing Receipt

Docket No.: 3912.1000-000

Applicants: Danilo Porro *et al.*

Application No.: 10/534,171

371(c) Filing Date: December 2, 2005

Number of pages including this cover sheet: [14]

Please confirm receipt of facsimile: Yes ☒ No ☐

Sir:

Hamilton, Brook, Smith & Reynolds, P.C.
Telephone: (978) 341-0036 Facsimile: (978) 341-0136

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danilo Porro, Paola Branduardi, Minoska Valli and Lilia Alberghina

Application No.: 10/534,171

Group: 1645

371(c) Filing Date: December 2, 2005

Examiner: Not Assigned

Confirmation No.: 5195

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For:

**PROCESS FOR EXPRESSION AND SECRETION OF PROTEINS BY THE
NON-CONVENTIONAL YEAST ZYGOSACCHAROMYCES BAILII**

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>2-8-07</u>	<u>Samuela Samma</u>
Date	Signature
<u>Samuela Samma</u>	
Typed or printed name of person signing certificate	

**REQUEST FOR CORRECTED FILING RECEIPT
FOR UTILITY APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We hereby request that the following items of information be corrected in the Filing Receipt for the subject application received in this office on December 18, 2006.

A copy of a recently filed Declaration for Patent Application is submitted herewith.
The errors and corrections appear below.

Applicant's name "Lilia Alberghina" should be "Lilia Alberghina."

The 371(c) Filing Date "05/06/2005" should be "12/02/2005."

Enclosed are copies of the Filing Receipt with changes noted thereon and a copy of the Declaration for Patent Application..

-2-

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Alexander Akhiezer
Alexander Akhiezer
Registration No. 54,617
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 2/8/07

FEB 08 2007

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/534,171	05/06/2005 12/02/2005	1645	475	3912.1000-000	12	21	2

CONFIRMATION NO. 5195

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

FILING RECEIPT



OC000000021554906

Date Mailed: 12/12/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Paola Branduardi, Mailand, ITALY;
Danilo Porro, Erba, ITALY;
Minoska Valli, Calcinato, ITALY;
~~Lilia Alberghina~~, Mailand, ITALY;

LILIA

Power of Attorney: The patent practitioners associated with Customer Number 021005.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/12377 11/06/2003

Foreign Applications

GERMANY 102 52 245.6 11/07/2002

If Required, Foreign Filing License Granted: 12/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/534,171**

Projected Publication Date: 03/22/2007

Non-Publication Request: No

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DEC 18 2006

HAMILTON, BROOK
SMITH & REYNOLDS, P.C.

Early Publication Request: No

**** SMALL ENTITY ****

Title

Process for expression and secretion of proteins by the non-conventional yeast
zygosaccharomyces bailii

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158)

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Feb-08-07 12:29pm From-HBS&R
SGD/AA/saj
December 2, 2005

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1978-341-0136

T-383 P.07/14 F-430

Docket No. 3912.1000-000

FEB 08 2007

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IN THE UNITED STATES RECEIVING OFFICE (US/DO/EO)

Applicant: Danilo Porro, Paola Branduardi, Minoska Valli and Lilia Alberghina

U.S. Application No.: 10/534,171

EV215899965US

U.S. National Stage of:

International Application No.. PCT/EP2003/012377

International Filing Date: November 6, 2003

For: PROCESS FOR EXPRESSION AND SECRETION OF PROTEINS BY THE
NON-CONVENTIONAL YEAST ZYGOSACCHAROMYCES BAILII

Date: <u>12-2-05</u> EXPRESS MAIL LABEL NO. <u>EV215899965US</u>

TRANSMITTAL OF DECLARATION FOR PATENT APPLICATION

Mail Stop PCT (DO/EO)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the U.S. Receiving Office is an executed Declaration for Patent Application and a Power of Attorney document. The Declaration for Patent Application and the Power of Attorney document are being filed before receipt of the Notification of Missing Requirements (Form PCT/DO/EO/905).

A check in the amount of \$65.00 is enclosed in payment of the surcharge.

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Alexander Akhiezer
Alexander Akhiezer
Registration No.: 54,617
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Date: 12/2/05

The PTO did not receive the
listed item(s) check

COPY

DOCKET NO. 3912.1000-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney for Patent Application
Erklärung für Patentanmeldungen mit Vollmacht

German Language Declaration

Als nachstehend benannter Erfinder
erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz, meine Postanschrift
und meine Staatsangehörigkeit den im
nachstehenden nach meinem Namen
aufgeführten Angaben entsprechen, daß
ich nach bestem Wissen der ursprüngliche,
erste und alleinige Erfinder (falls
nachstehend nur ein Name angegeben ist)
oder ein ursprünglicher, erster und
Miterfinder (falls nachstehend mehrere
Namen aufgeführt sind) des Gegenstandes
bin, für den dieser Antrag gestellt wird und
für den ein Patent für die Erfindung mit
folgendem Titel beantragt wird:

Verfahren zur Expression und Sekretion
Von Proteinen mittels der nicht-
konventionellen Hefe Zygosaccharomyces
bailii

deren Beschreibung hier beigefügt ist, es
sei denn (in diesem Falle Zutreffendes
bitte ankreuzen), diese Erfindung:

As a below named inventor, I hereby
declare that:

My residence, post office address and
citizenship are as stated next to my name.

I believe I am the original, first and sole
inventor (if only one name is listed below)
or an original, first and joint inventor (if
plural names are listed below) of the
subject matter which is claimed and for
which a patent is sought on the invention
entitled:

Process for Expression and Secretion of
Proteins by the Non-Conventional Yeast
Zygosaccharomyces Bailii

the specification of which is attached
hereto unless the following box is
checked:

-2-

☒ wurde angemeldet an
06 Nov 2003 unter der US-
Anmeldenummer oder unter der
Internationalen Anmeldenummer im
Rahmen des Vertrags über die
Zusammenarbeit auf dem Gebiet
des Patentrewesens (PCT)
PCT/EP2003/012377 und am
06 May 2005 abgeändert (falls
zutreffend).

☒ was filed on 06 Nov 2003
as United States Application
Number or PCT International
Application Number
PCT/EP2003/012377 and was
amended on
06 May 2005 (if
applicable).

Ich bestätige hiermit, daß ich den Inhalt der
oben angegebenen Patentanmeldung,
einschließlich der Ansprüche, die eventuell
durch einen oben erwähnten Zusatzantrag
abgeändert wurde, durchgesehen und
verstanden habe.

I hereby state that I have reviewed and
understand the contents of the above
identified specification, including the
claims, as amended by any amendment
referred to above.

Ich erkenne meine Pflicht zur Offenbarung
jeglicher Informationen an, die zur Prüfung
der Patentfähigkeit in Einklang mit Titel 37,
Code of Federal Regulations, § 1.56
von Belang sind.

I acknowledge the duty to disclose
information which is material to
patentability as defined in Title 37, Code of
Federal Regulations, § 1.56.

Ich beanspruche hiermit ausländische
Prioritätsvorteile gemäß Title 35, US-Code,
§ 119 (a)-(d), bzw. § 365(b) aller unten
aufgeführten Auslandsanmeldungen für
Patente oder Erfinderurkunden, oder §
365(a) aller PCT internationalen
Anmeldungen, welche wenigstens ein Land
ausser den Vereinigten Staaten von
Amerika benennen, und habe nachstehend
durch ankreuzen sämtliche Auslands-
anmeldungen für Patente bzw.
Erfinderurkunden oder PCT internationale
Anmeldungen angegeben, deren
Anmeldetag dem der Anmeldung, für
welche Priorität beansprucht wird,
vorangeht.

I hereby claim foreign priority under Title
35, United States Code, § 119(a)-(d) or §
365(b) of any foreign application(s) for
patent or inventor's certificate, or § 365(a)
of any PCT international application which
designated at least one country other than
the United States, listed below and have
also identified below, by checking the box,
any foreign application for patent or
inventor's certificate, or PCT International
application having a filing date before that
of the application on which priority is
claimed.

-3-

Prior Foreign Applications
(Frühere ausländische Anmeldungen)

Priority Not Claimed
Priorität nicht
beansprucht

DE 10252245.6 Germany
(Number) (Country)
(Nummer) (Land)

07 November 2002 [X]
(Day/Month/Year Filed)
(Tag/Monat/Jahr der Anmeldung)

(Number) (Country)
(Nummer) (Land)

(Day/Month/Year Filed) []
(Tag/Monat/Jahr der Anmeldung)

Ich beanspruche hiermit Prioritätsvorteile
unter Title 35, US-Code, § 119(e) aller US-
Hilfsanmeldungen wie unten aufgezählt.

I hereby claim the benefit under Title 35,
United States Code, § 119(e) of any United
States provisional application(s) listed
below.

(Application No.) (Filing Date)
(Aktenzeichen) (Anmeldetag)

(Application No.) (Filing Date)
(Aktenzeichen) (Anmeldetag)

Ich beanspruche hiermit die mir unter Title 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patenrwesen (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application No.)
(Aktenzeichen)

(Filing Date)
(Anmeldetag)

(Status) (patented, pending, abandoned)
(Status) (patentiert, schwebend, aufgegeben)

(Application No.)
(Aktenzeichen)

(Filing Date)
(Anmeldetag)

(Status) (patented, pending, abandoned)
(Status) (patentiert, schwebend, aufgegeben)

-5-

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patenten gefährden können

VERTRETUNGSVOLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt:

Customer Number 021005

Postanschrift:

Customer Number 021005
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

Telefonische Auskünfte:
Steven G. Davis, Esq.
(978) 341-0036

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:




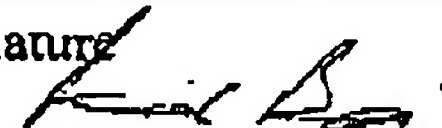
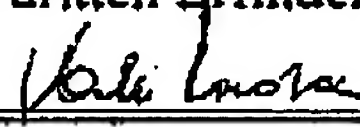

Customer Number 021005

Send Correspondence to:


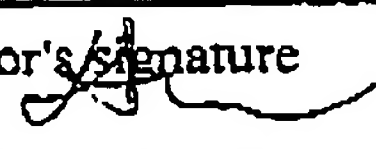
Customer Number 021005
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

Direct Telephone Calls to:
Steven G. Davis, Esq.
(978) 341-0036

-6-

Vor- und Zuname des einzigen oder ersten Erfinders Danilo Porro	Full name of sole or first inventor Danilo Porro
Unterschrift des Erfinders 	Inventor's signature 
Wohnsitz Via Lodorina, 80 Erba, 22036 ITALY	Residence Via Lodorina, 80 Erba, 22036 ITALY
Staatsangehörigkeit	Citizenship IT
Postanschrift wie oben	Post Office Address Same as above
Vor- und Zuname des zweiten Miterfinders (falls zutreffend) Paola Branduardi	Full name of second joint inventor, if any Paola Branduardi
Unterschrift des zweiten Erfinders 	Second Inventor's signature 
Wohnsitz Via C. Mezzofanti, 14 Mailand, 20133 ITALY	Residence Via C. Mezzofanti, 14 Mailand, 20133 ITALY
Staatsangehörigkeit	Citizenship IT
Postanschrift wie oben	Post Office Address Same as above
Vor- und Zuname des dritten Miterfinders (falls zutreffend) Minoska Valli	Full name of third joint inventor, if any Minoska Valli
Unterschrift des dritten Erfinders 	Third Inventor's signature 
Wohnsitz	Residence Via Bolgare 15 Calcinato, 24050 ITALY
Staatsangehörigkeit	Citizenship IT

-7-

Postanschrift wie oben	Post Office Address Same as above
Vor- und Zuname des viertes Miterfinders (falls zutreffend) Lilia Alberghina	Full name of Fourth joint inventor, if any Lilia Alberghina
Unterschrift des viertes Erfinders 	Fourth Inventor's signature 
Wohnsitz	Residence Via Boscovich 19 Mailand 20124 ITALY
Staatsangehörigkeit	Citizenship iT
Postanschrift wie oben	Post Office Address Same as above

(Im Falle dritter und weiterer Miterfinder
sind die entsprechenden Informationen und
Unterschriften hinzuzufügen.)

(Supply similar information and signature
for subsequent joint inventors.)

C:\w\Portbl\Manager\SIAMMAL\554166_1.DOC